IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 19896 of 2004

Between:

1. Venkateswara Rao, S/o. Venkat Rao,
   R/o. Dondapadu Village, Mallacheruvu Mandal,
   Nalgonda District.
2. Sanka Venkata Ramana Rao, S/o. Rama Rao,
   R/o. Jaggaiahpeta, Krishna District.

..... PETITIONERS

AND

1. The Station House Officer, Prohibition & Excise Station,
Jaggaiahpeta, Krishna District.
2 The Deputy Commissioner of Prohibition and Excise, Kakinada
Division, E.G.District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue Writ Order or Direction more particularly one in the nature of Writ of Mandamus, to declare the action of the 1st respondent in seizing the 15 bags consisting of 40 Kgs. each of Black Jaggery and one bag of Alum along with the vehicle bearing Reg.No.AP-7U-4279 under Crime No.465/2004 as illegal, arbitrary and consequently direct the respondents herein to release the vehicle along with the stocks.

Counsel for the Petitioners: MR.PALLENAGESWAR RAO

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court at the stage of admission made the following:

ORDER:

The petitioner seeks a writ of Mandamus declaring the action of the first respondent in seizing 15 bags of black jaggery and 1 bag of alum under Crime No.465 of 2004, as arbitrary and illegal.

It is represented by the learned counsel for the petitioner and learned Government Pleader for Prohibition and Excise that similar matters have been disposed of by this Court with a direction to the Deputy Commissioner of Prohibition and Excise to consider the request of the petitioner for release of the seized black jaggery and to pass appropriate orders, in accordance with law.

In the circumstances, the writ petition is disposed of, granting liberty to the petitioner to make an appropriate application before the second respondent herein for release of the seized goods, within a period of two weeks from today. If such an application is made, the second respondent is directed to consider and dispose of the same on furnishing bank guarantee of the value of the goods as determined by him, in accordance with law, within a period of four weeks from the date of receipt of such application from the petitioner. No order as to costs.

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29.10.2004

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To

1. The Station House Officer, Prohibition & Excise Station,
Jaggaiahpeta, Krishna District.
2 The Deputy Commissioner of Prohibition and Excise, Kakinada
Division, E.G.District.

3. 2 CCs to the G.P. for Prohibition and Excise, High Court Buildings, Hyderabad (OUT).

4. 2 CD copies.